

ATTACHMENT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

ORDER

December 11, 2014

ZOBEL, D.J.

On May 7, 2014, defendants Advanced Pain & Anesthesia Consultants, P.C. d/b/a APAC Centers for Pain Management ("APAC") and Randolph Y. Chang, M.D. ("Chang"), sought dismissal of all claims against them in two actions direct-filed in this court through MDL short-form complaints¹ for lack of personal jurisdiction, or in the alternative, failure to state a claim under Fed. R. Civ. 12(b)(1) & (6) (Docket # 1108).

After that filing, plaintiffs brought identical suits in the Northern District of Illinois, which were subsequently transferred to this MDL (hereinafter "the Illinois-filed actions"). See Musselwhite v. Advanced Pain & Anaesthesia Consultants, P.C., d/b/a Apac Centers For Pain Management et al, No. 1:14-cv-13676-RWZ (Filed 9/23/2014), Kennedy et al v. Advanced Pain & Anesthesia Consultants, P.C. et al, No. 1:14-cv-13689 (Filed 9/24/2014).

The court is prepared to address APAC and Chang's motion in the direct-filed

¹Musselwhite, et al. v. Advanced Pain & Anesthesia Consultants, P.C., et al., No. 1:13-cv-13228-RWZ, and Kennedy v. Advanced Pain & Anesthesia Consultants, P.C., et al., No. 1:13-cv-13227-RWZ (hereinafter "the direct-filed cases").

cases, but understands the issues to be identical to those in the Illinois-filed cases.² As such, the Plaintiff Steering Committee, Chang, and APAC are all requested to indicate any objection to this court's adoption of the 12(b)(6) portion of APAC and Chang's motion (Docket # 1108), as filed, in the Illinois-filed actions. Though none are anticipated, such objections are to be filed within 10 days by letter not to exceed 3 pages.

December 11, 2014

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE

²At oral argument on this motion, defense counsel represented that a stipulation as to personal jurisdiction and partial dismissal had been agreed to and would be filed within ten days, but no such stipulation has as yet been filed.